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**February 3, 2009**

Honorable Gary L Sharpe  
United States District Judge  
100 S. Clinton Street  
Syracuse, NY 13261

**Re: USA v. Efrain Montano-Ruiz  
Case No.: 08-CR-766 (GLS)**

Dear Judge Sharpe:

The defendant, Efrain Montano-Ruiz presents today for a change of plea and sentencing with regard to the single count Indictment alleging a violation of Title 18 U.S.C. §1546(a), fraud and misuse of visa, permits, and other documents. Efrain Montano-Ruiz intends to admit to the elements which will establish a factual basis for his conviction. The United States has agreed to accept this plea in satisfaction of all possible charges within the Northern District of New York known to them including, but not limited to identity theft.

He has been informed and will waive his constitutional rights for a jury trial and the right to remain silent. If the Court accepts his change of plea, the defendant seeks to move the Court to waive a presentence investigation pursuant to Fed. R.Crim.Pro. 32(c)(1)(A)(ii) and proceed directly to sentencing.

Mr. Efrain Montano-Ruiz acknowledges that the maximum sentence is ten years of imprisonment and the advisory sentencing guideline is 0-6 months. Specifically, that pursuant to the U.S.S.G. § 2L2.2(a), he is a base offense level 8. He is a Criminal History Category I resulting in an advisory sentencing guideline range of 0 to 6 months. Accordingly, Mr. Efrain Montano-Ruiz moves for immediate sentencing and requests this Court to order a sentence of time served. Mr. Efrain Montano-Ruiz is aware that he will be deported immediately following the service of whatever federal sentence he receives.

In further support for a sentence of time served and Fed. R.Crim.Pro. 32(c)(1)(A)(ii), Mr. Efrain Montano-Ruiz offers the following.<sup>1</sup> Mr. Efrain Montano-Ruiz Cordova has no criminal history in the United States and no convictions in his home country of Mexico. He is 33-years-old, married and the father of one son four months old. His wife and child live in Mexico. Efrain Montano-Ruiz was gainfully employed as a computer hardware engineer working for CHE Consulting based in Frenton, Missouri for the past seven years. (See attached letter from CHE Consulting attached). He would visit his wife or she would travel to Arizona ever two months.

Efrain Montano-Ruiz is an educated and highly skilled computer engineer. He was not only an outstanding employee but admired for his qualities as a human being. Clearly it the opinion of all that knew and worked with at CHE, that he will be greatly missed. Although he assumed the identity for employment purposed, he never used the identity to obtain credit, barrow money or commit fraud. In fact, he did not file for tax refunds for the years he worked for CHE because he felt that the money was not his. He knew what working in the United States under an false identity was wrong, but his actions over the past several years speak volumes for his character and good intentions while working here in the United States.

Based on the foregoing, Mr. Efrain Montano-Ruiz seeks a sentence of time served as it is within the Federal Sentencing Guidelines and further is sufficient but not greater than necessary to satisfy the provisions of Title 18 USC § 3553(a).

Respectfully submitted,

/s/ Gene V. Primomo

Gene V. Primomo

Assistant Federal Public Defender

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<sup>1</sup>Efrain Montano-Ruiz consented to an interview with U.S. Probation on December 29, 2009. Although the interview was for purposes of bail, much of his background information is relevant for purposes of sentencing and should be considered by the Court.